

Jabet Lopez
February 23, 2018

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS - WESTERN DIVISION

C.A.No.: 3:17cv30031

JANETTE HERNANDEZ PAGAN, PPA
F.H., a minor,
PLAINTIFF

vs.

CITY OF HOLYOKE, A MUNICIPAL CORPORATION,
OFFICER THOMAS J. LEAHY, OFFICER JAMES
DUNN, OFFICER JABET LOPEZ
DEFENDANTS

DEPOSITION OF: JABET LOPEZ

Taken before Roxanne C. Costigan,
Certified Merit Reporter, Notary Public, pursuant to
Rule 30 of the Federal Rules of Civil Procedure, at
the law offices of ACCURATE COURT REPORTING, INC.,
1500 Main Street, Suite 222, Springfield, MA, on
February 23, 2018.

Roxanne C. Costigan
Certified Merit Reporter

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1 A. An additional narrative.

2 Q. Okay. And you created that on what date?

3 A. 2/9/14.

4 Q. Okay. And you created it after Officer
5 Leahy created his narrative, correct?

6 A. I don't recall.

7 Q. Well, that's what the purpose of a
8 supplemental narrative would be, if you know, correct?

9 A. Negative. A supplemental narrative is
10 done when an assisting officer does a narrative,
11 because if you do the original narrative, that takes
12 -- that's your first narrative, and I wasn't the
13 arresting officer.

14 Q. Correct. So, you did the supplemental,
15 which was an additional narrative, correct?

16 A. That allows me to add a narrative, yes.

17 Q. Right. Okay. So, if you're looking at
18 your supplemental narrative, do you see that?

19 A. Yes.

20 Q. Okay. And you indicate in your narrative
21 that there was a report of a male shooting a gun on
22 Veterans Bridge, correct?

23 A. Yes.

24 Q. And when you got to the location, you

1 description?

2 A. Correct.

3 Q. What was the description at that point of
4 the man that they were trying to detain as you put it?

5 A. A gray hooded sweatshirt.

6 Q. Okay. And you got out of your cruiser,
7 and that was on Water Street, correct?

8 A. Yes.

9 Q. Okay. And you indicate that you relied
10 on your training you received at the Boston --
11 Boylston Police Academy. And can you tell us a little
12 bit about that type of training you received in terms
13 of what happened? You said you relied on it. So,
14 what did you rely on?

15 A. Basically, that if it there's a weapon
16 involved, firearm involved, you know, always to think
17 that there's two involved. We received shots fired
18 call, three males. So, it was fresh out in my mind,
19 two months out of the academy.

20 Q. Okay. But at that point, you only saw
21 one person, correct?

22 A. Yes.

23 Q. And he was already on the ground, right?

24 A. Yes.

1 Q. And was he prone on the ground or was he
2 back -- with his back up on the ground?

3 A. Stomach on the ground.

4 Q. So, he was down on the ground, and he was
5 surrounded by officers, correct?

6 A. There was an officer on each side.

7 Q. Surrounded, correct?

8 A. Yes.

9 Q. He wasn't free to leave?

10 A. Not at that point, no.

11 Q. Was he handcuffed at that point?

12 A. No.

13 Q. Was he -- did he look large to you, like
14 a large individual that was prone on the ground?

15 A. Normal size, like my size.

16 Q. 110 pounds is normal to you?

17 A. I couldn't tell his weight.

18 Q. Okay. And did he look like he was trying
19 to run?

20 A. He was squirming.

21 Q. He was squirming. Okay. But that's not
22 the same as running in your view, is it?

23 A. Correct.

24 Q. Okay. And did he look like he had in his

1 either of his hands a weapon?

2 A. I couldn't see his hands.

3 Q. Okay. And then you relied on the
4 training you received, correct?

5 A. Yes.

6 Q. That's what it says here. And because
7 your testimony is that you believe that there was a
8 gun about, there could be two?

9 A. Yes.

10 Q. And does that training, because if you
11 believe there's a gun about and there could be two,
12 does that training tell you that you should strike
13 someone that's prone on the ground with a baton?

14 A. I indicated --

15 Q. No. That's my question.

16 A. If the situation calls.

17 Q. Okay. By the way, what type of baton did
18 you use that night?

19 A. Nonotuck.

20 Q. And that's a folding baton, right?

21 A. Expandible.

22 Q. Okay. It goes back and forth and makes
23 itself smaller and larger?

24 A. Yes.

1 A. Yes.

2 Q. Okay. So, Lieutenant Cournoyer was the
3 shift supervisor for this particular report that's
4 been marked as Exhibit 5, correct?

5 A. No. I handed this in. It was third
6 shift when I handed it in. So, he was the third shift
7 Commander.

8 Q. Okay. And if you look at the time up
9 here on the top, do you see that? The date is 2/8/14,
10 correct?

11 A. Yes.

12 Q. And the time is what time?

13 A. 2100.

14 Q. Which would be what in lay person's time?

15 A. Nine p.m.

16 Q. And it's arrest number 14-344, correct?

17 A. Yes.

18 Q. And that would coincide with the
19 supplemental narrative that you wrote appended to
20 Officer Leahy's narrative that's been marked as
21 Exhibit 4, correct?

22 A. Yes.

23 Q. Okay. And if you look down in here, you
24 see that the suspect's name is noted as Felix Torres,

1 correct?

2 A. Yes.

3 Q. And that would be the individual that was
4 prone on the ground that you struck at least two
5 times, correct?

6 A. Yes.

7 Q. All right. And do you see underneath,
8 there are a few boxes, and you've checked off some of
9 the boxes. Under Suspect Actions category, you
10 checked off assaultive. Do you see that, sir?

11 A. Yes.

12 Q. And it says, serious bodily harm/death.
13 Do you see that?

14 A. Yes.

15 Q. And by that, that would mean that you
16 filled this form out because you're indicating that
17 that was what the suspect did, correct?

18 A. Yes, based on the shots fired.

19 Q. Okay. You're not indicating that the
20 person prone on the ground was assaultive, correct?

21 A. I was indicating when I wrote this, that
22 based on his action or suspected actions on the
23 bridge, he was assaultive, serious bodily harm/death.

24 Q. Well, did you believe that the prone

1 individual was engaging in assaultive behavior that
2 could result in serious bodily harm and death?

3 A. Yes.

4 Q. Did you see a -- you just indicated
5 before in your testimony you didn't see a weapon?

6 A. Correct.

7 Q. So, you're saying that this prone
8 individual on the ground with no weapon, face down on
9 the ground, was engaging in assaultive, serious bodily
10 harm and potential death?

11 A. Yes. That's the reports we got.

12 Q. And that's why you checked that box?

13 A. Yes.

14 Q. Okay. And your response to the right,
15 Officer's Response, you checked Baton, correct?

16 A. Yes.

17 Q. Okay. Now, do you see some more other
18 boxes that were checked by you on that date when you
19 did this report on 2/8 of '14?

20 A. I do.

21 Q. And do you see that you indicated that
22 the use of force was effective, correct?

23 A. Yes.

24 Q. And you also indicated that the subject